

Application No.: 09/870,397

Docket No.: 21581-00271-US

REMARKS

Claims 13-22, 26 and 27 are now in the application.

Claim 13 has been amended to incorporate the method for preparing the vinyl polymer. This is supported on page 26, lines 1-4 (method (A)) and page 27 lines 11-17 (method (A-b)) and in Examples 5 and 14 in the amended specification filed on August 20, 2001.

Claim 21 has been amended to include the “,” for purposes of clarifications between “acyloxy” and “ketoximate” and not to restrict the claim. Newly presented claims 26 and 27 find support on page 27, lines 11-17 in the amended specification filed on August 20, 2001.

The amendments to the claims and newly presented claims do not introduce any new matter.

Claims 13-22 were rejected under 35 U.S.C. 102(e) Kusakabe et al. (U.S. 6, 667,369). Kusakabe et al. fails to anticipate claims 13-22.

The present invention after the above amendments relates to a vinyl polymer which has at least one terminal crosslinking silyl group of the general formula (1) per molecule and has Mw/Mn of less than 1.8 and Mn of 500-100,000; wherein the vinyl polymer having at least one terminal crosslinking silyl group is prepared by adding hydrosilane compound having a crosslinking silyl group to a vinyl polymer having at least one alkenyl group (method (A)), and the vinyl polymer having at least one alkenyl group is prepared by adding a compound having at least two poorly polymerizable alkenyl groups to a reaction mixture when synthesizing a vinyl polymer by living radical polymerization (method (A-b)).

On the other hand, Kusakabe et al. relates to a curable composition comprising a (meth) acrylic polymer having curable silyl groups at the chain ends. However, Kusakabe et al. neither disclose nor suggest the vinyl polymer having at least one terminal crosslinking silyl group of the present invention which is prepared by the above specific method including the method (A-b).

Accordingly, the present invention differs from Kusakabe et al. and is novel.

Kusakabe et al. fails to anticipate claims 13-22. In particular, anticipation requires the disclosure, in a prior art reference, of each and every recitation as set forth in the claims. See *Titanium Metals Corp. v. Banner*, 227 USPQ 773 (Fed. Cir. 1985), *Orthokinetics, Inc. v. Safety Travel Chairs, Inc.*, 1 USPQ2d 1081 (Fed. Cir. 1986), and *Akzo N.V. v. U.S. International Trade Commissioner* 1 USPQ 2d 1241 (Fed. Cir. 1986). Kusakabe et al. fails to anticipate claims 13-22.

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There must be no difference between the claimed invention and reference disclosure for an anticipation rejection under 35 U.S.C. 102. *See Scripps Clinic and Research Foundation v. Genetech, Inc.*, 18 USPQ2d 1001 (CAFC 1991) and *Studlengesellschaft Kohle GmbH v. Dart Industries*, 220 USPQ 841 (CAFC 1984).

In view of the above, consideration and allowance are, therefore, respectfully solicited.

In the event the Examiner believes an interview might serve to advance the prosecution of this application in any way, the undersigned attorney is available at the telephone number noted below.

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 22-0185, under Order No. 21581-00271-US from which the undersigned is authorized to draw.

Dated: November 22, 2004

Respectfully submitted,

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